



S 1768

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay*, in *New-England*: Begun and held at *Cambridge*, in the County of *Middlesex*, upon Wednesday the Thirtieth Day of *May*, 1770; and continued by sundry Prorogations unto Wednesday the Twenty-sixth Day of *September* following, and then met.

CHAP. I.

An Act for granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.

WE His Majesty's most dutiful and loyal Subjects the Representatives of the Province of the *Massachusetts-Bay*, in *New-England*, being desirous of lessening the public Debts, have cheerfully and unanimously given and granted; and do give and grant to His Most Excellent Majesty, for the Service of this Province, as they shall hereafter apply it, the several Duties of Impost upon all Liquors, Wares, Goods and Merchandize, that shall be imported into this Province, and Tunnage of Shipping, hereafter mentioned; and pray that it may be enacted:

Preamble.

And be it accordingly enacted by the Lieutenant Governor, Council, and House, of Representatives, That from and after the Twenty First Day of November One thousand seven hundred and seventy, to the Twenty First Day of November, One thousand seven hundred and seventy-one, and until the End of the then next Session of the General Court, there shall be paid by the Importers of all Wines, Rum, and other Liquors, Goods, Wares and Merchandize, that shall be imported, into this Province by any of the Inhabitants thereof, (except what is by this Act hereafter exempted) the several Duties of Impost following, viz.

From November 1, 1770, to November 1, 1771, Impost to be paid.

Duties of Impost and Tunnage of Shipping.

Rates of Impost.

For every Pipe of Wine of every Sort, *Five Shillings*.For every Hogshead of Rum, containing One hundred Gallons, *Eight Shillings*For every Hogshead of Tobacco, *Ten Shillings*.

And for all other Commodities, Goods or Merchandize not mentioned or not excepted, *Four Pence* for every *Twenty Shillings* Value; excepting such Goods and Merchandize, the Produce of *Great-Britain*, and also Foreign Goods and Merchandize imported from *Great-Britain*, either directly, or through the Channel of any of his Majesty's Colonies; Provided such Foreign Goods and Merchandize have paid the Duties required by Act of Parliament.

for Liquors, Goods, &c. belonging to Inhabitants of other Provinces.

And for any of the Liquors, Goods, Wares and Merchandize that shall be imported into this Province, by any of the Inhabitants of the other Provinces or Colonies on this Continent, or of the English *West-India* Islands, in any Ship or Vessel to them belonging, on the proper Account of any of the said Inhabitants, of said Provinces, Colonies or Islands, there shall be paid by the Importers the several Duties of Impost following, viz,

For every Pipe of Wine of every Sort, *Ten Shillings*.For every Hogshead of Rum, containing One Hundred Gallons, *Sixteen Shillings*.For every Hogshead of Sugar, *Eight Pence*.For every Hogshead of Molasses, *Eight Pence*.For every Hogshead of Tobacco, *Twenty Shillings*.

And for all other Commodities, Goods and Merchandize not mentioned or not excepted, *Eight Pence* for every *Twenty Shillings* Value.

Proviso.

Provided always, That every Thing which is the Growth or Produce of the Provinces or Colonies aforesaid, (Tobacco excepted) and all Provisions, Salt, Cotton-Wool, Bar and Pig-Iron, Mahogany, Brazillietto, Black Walnut, Lignum-Vitæ, Red-Cedar, Log-Wood, Hemp, Raw Skins and Hides, and also all Prize Goods brought into and condemned in this Province, are, and shall be exempted from every the Rates and Duties aforesaid.

Masters of Vessels to make Report within 48 Hours after Arrival, and deliver a Manifest to the Commissioner

And be it further enacted, That the Master of every Ship or Vessel coming into this Province from any other Place, shall within Forty-eight Hours after his Arrival in any Port or Harbour, and before Bulk is broken, make Report, and deliver a Manifest in Writing under his Hand, to the Commissioner of Impost that is or shall be appointed by this Province of the Contents of Loading of such Ship or Vessel, therein particularly expressing the Species, Kind and Qualities of all Wines, Liquors, Goods, Wares and Merchandize imported in any such Ship or Vessel, with the Marks and Numbers thereof, and to whom the same are consigned, and make Oath before the Commissioner, that the same Manifest contains a just and true Account of all the Lading taken on board and imported in such Ship or Vessel, so far as he knows or believes; and that if he knows of any more Wines, Liquors, Goods, Wares or Merchandize laden on board such Ship or Vessel, and imported therein, he shall forthwith make Report thereof to the Commissioner aforesaid, and cause the same to be added to the Manifest.

To forfeit in case of breaking Bulk.

And be it further enacted, That if the Master of any Ship or Vessel shall break Bulk, or suffer any of the Wines, Liquors, Goods, Wares and Merchandize, imported in such Ship or Vessel, to be unladen before Report and Entry thereof be made, as aforesaid, he shall forfeit the Sum of *One Hundred Pounds*. *And*



Duties of Impost and Tunnage of Shipping.

431

And be it further enacted, That all Merchants and other Persons, being Owners of any Wines, Liquors, Goods, Wares or Merchandize imported into this Province (for which any of the Rates or Duties aforesaid are payable) or having the same consigned to them shall make Entry thereof with the Commissioner aforesaid, and produce an Invoice of all such Goods as pay *ad Valorem*, and make Oath before him in the Form following, viz.

I **YOU** A. B. do swear, that the Entry of Goods or Merchandize by you made, and the Value thereof annexed is Bona Fide according to your best Skill and Judgment, agreeable to the Price Current or the Market Price of the said Goods. So help you GOD.

Invoice to be produced.

Oath.

Which Oath the Commissioner or Receiver appointed in Consequence of this Act, is hereby empowered and directed to administer.

AND the Owners aforesaid shall pay the said Commissioner; or give Security to pay, the Duty of Impost by this Act required, before such Wines, Liquors, Goods, Wares or Merchandize be landed or taken out of the Vessel in which the same shall be imported: And no Wines, Liquors, Goods, Wares or Merchandize, that by this Act are liable to pay Impost or Duty, shall be landed on any Wharf, or in any Warehouse or other Place, but in the Day-time only, unless in the Presence or with the Consent of the Commissioner or Receiver, on Pain of forfeiting all such Wines, Liquors, Goods, Wares and Merchandize, Lighter, Boat or Vessel out of which the same shall be landed, or put into any Warehouse or other Place; excepting only such Wines, Liquors, Goods, Wares or Merchandize, Lighter, Boat or Vessel, as shall appear to be the property of some one or more of the Inhabitants of this Province. And if any Person or Persons shall not have and produce an Invoice of the Quantities of Rum or other Liquors to him or them consigned, then the Cask wherein the same are, shall be gauged, at the Charge of the Importer, that the Contents thereof may be known.

Duties to be paid before Landing.

Provided nevertheless, That the said Commissioner shall be and hereby is allowed to give Credit to such Person or Persons, whose Duty of Impost in one Vessel shall not exceed Six Pounds; which Credit shall be so limited as that he shall settle and ballance his Accompts with every Person on or before the Twenty-fifth Day of November, One thousand seven hundred and seventy-one; that the said Accompts may be produced to this Court as soon as may be after; and for all Entries where the Impost to be paid doth not exceed three Shillings, the said Commissioner shall not demand any thing, and not more than six Pence for any other single Entry to what Value soever.

Commissioner allowed to give Credit.

And be it further enacted, That the Importer of all Wines, Liquors, Goods, Wares and Merchandize, from and after the Twenty-first Day of November, One thousand seven hundred and seventy, and until the Twenty-first Day of November, One thousand seven hundred and seventy-one, and until the End of the then next Session of the General Court, by Land-Carriage or in small Vessels or Boats shall, within Twenty-four Hours after Importation, make Report and deliver a Manifest thereof to the Commissioner aforesaid, or his Deputy, therein particularly expressing the Species, Kind and Quantity of all such Wines, Liquors, Goods, Wares and Merchandize so imported, with the Marks and Numbers thereof when, how and by whom brought, and shall make Oath before the said Commissioner, or his Deputy to the Truth of such Report, and Manifest; and shall pay or secure to be paid, the several Duties aforesaid, by this Act charged, and chargeable upon such Wines, Liquors, Goods, Wares,

Importer by Land Carriage or in small Vessels to make Report.

Duties of Impost and Tunnage of Shipping

Wares and Merchandize, before the same are landed, housed, or put in any Store or Place whatever, under the Penalty of *Ten Pounds*.

Allowance for
Leakage.

And be it further enacted, That every Merchant or other Person importing any Wines into this Province, shall be allowed *Twelve per Cent* for ordinary Leakage, besides extraordinary, provided such Wines shall not have been filled on board; and that every Hogshead, Butt or Pipe of Wine that has two Thirds thereof leaked out, shall be accounted for Outs; and the Master or Importer shall pay no Duty for the same. And no Master of any Ship or Vessel shall suffer any Wines to be filled on board, without giving a Certificate of the Quantity so filled up under his Hand, before the landing thereof, to the Commissioner or Receiver of Impost for that Port, on Pain of forfeiting the Sum of *One Hundred Pounds*. And if it may be made to appear, that any Wines imported in any Ship or Vessel, be decayed at the Time of unloading thereof, or in Twenty Days afterwards, Oath being made before the Commissioner or Receiver, that the same hath not been landed above that Time, the Duties and Impost paid for such Wines shall be repaid unto the Importer thereof.

Master allowed to detain
Goods not entered or the
Duty not paid

And be it further enacted, That the Master of every Ship or Vessel importing any Liquors, Wines, Goods, Wares or Merchandize shall be liable to pay the Impost for such and so much thereof contained in his Manifest, as shall not be duly entered, and the Duty paid for the same, by the Person or Persons to whom such Wines, Liquors, Goods, Wares or Merchandize are or shall be consigned. And it shall and may be lawful for the Master of every Ship or other Vessel, to secure and detain in his Hands, at the Owner's Risque, all such Wines, Liquors, Goods, Wares and Merchandize imported in any Ship or Vessel, until he receives a Certificate from the Commissioner, or Receiver of Impost, that the Duty for the same is paid; and until he be paid his necessary Charges in securing the same; or such Master may deliver such Wines, Liquors, Goods, Wares and Merchandize, as are not entered, unto the Commissioner, or Receiver of Impost in such Port, or his Order, who is hereby empowered and directed to receive and keep the same at the Owner's Risque, until the Impost thereof, with the Charges be paid, or secured to be paid; and then to deliver such Wines, Liquors, Goods, Wares or Merchandize, as such Master shall direct.

Master liable to be sued.

And be it further enacted. That the Commissioner or Receiver of Impost, in each Port, shall be and hereby is empowered to sue the Master of any Ship or Vessel, for the Impost or Duty of so much of the Lading of any Wines, Liquors, Goods, Wares or Merchandize imported therein, according to the Manifest to be by him given upon Oath aforesaid, as shall remain not entered, and the Duty of Impost therefor not paid, or secured to be paid. And where any Goods, Wares or Merchandize are such that the Value thereof is not known, whereby the Impost to be recovered of the Master for the same cannot be ascertained, the Owner or Person to whom such Goods, Wares or Merchandize are or shall be consigned, shall be summoned to appear as an Evidence at the Court where such Suit for the Impost and the Duty thereof shall be brought, and be there required to make Oath to the Value of such Goods, Wares, or Merchandize.

And

Duties of Impost and Tunnage of Shipping

433

And be it further enacted, That the Ship or Vessel, with her Tackle, Apparel and Furniture, the Master of which shall make Default in any Thing by this Act required to be performed by him, shall be liable to answer and make good the Sum or Sums forfeited by such Master according to this Act, for any such Default, as also to make good the Impost or Duty for all Wines, Liquors, Goods, Wares and Merchandize not entered as aforesaid, or for which the Duty of Impost has not been paid; and upon Judgment recovered against such Master, the said Ship or Vessel, with so much of the Tackle or Appurtenances thereof, as shall be sufficient to satisfy the said Judgment, may be taken by Execution for the same. And the Commissioner or Receiver of the Impost is hereby empowered to make Seizure, of the said Ship or Vessel, and detain the same under Seizure until Judgment be given in any Suit to be commenced and prosecuted for any of the said Forfeitures, or for the Duty aforesaid; to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel and Appurtenances may be exposed to Sale for Satisfaction thereof, as is before provided, unless the Owners or some on their Behalf, for the releasing of such Ship or Vessel from under Seizure or Restraint, shall give sufficient Security to the Commissioner or Receiver of Impost that seized the same, to respond or satisfy the Sum or Value of the Forfeitures and Duties, with the Charges that shall be recovered against the Master thereof, upon such Suit to be brought for the same, as aforesaid; and the Master occasioning such Loss or Damage unto the Owners through his Default or Neglect, shall be liable unto their Action for the same.

Ship, &c.
liable to be
taken in Exe-
cution.

And be it further enacted, That the Naval-Officer within any of the Ports of this Province, shall not clear any Ship or Vessel outward bound, until he shall be certified by the Commissioner or Receiver of Impost, that the Duty and Impost for the Goods last imported in such Ship or Vessel are paid, or secured to be paid.

Naval-Officer
not clear
Vessels till Im-
post be paid.

AND the Commissioner or Receiver of Impost is hereby empowered to allow Bills of Store to the Master of any Ship or Vessel importing any Wines or Liquors, for such private Adventures as shall belong to the Master or Seamen of such Ship or Vessel, at the Discretion of the Commissioner or Receiver, not exceeding *Three per cent.* of the Lading, and the Duties payable by this Act, for such Wines or Liquors, in such Bills of Stores mentioned and expressed, shall be abated.

Bills of Store
to be allowed.

AND for the more effectual preventing Wines, Rum or other distilled Spirits being brought into this Province, from the neighbouring Governments by Land, or in small Boats or Vessels, or any other Way; and also to prevent Wines, Rum, or other distilled Spirits being first sent out of this Province, and afterwards brought into the Government again, to defraud the Government of the Duties of Impost;

Preamble.

Be it enacted, That the Commissioner and Receiver of the aforesaid Duties of Impost shall, and he is hereby empowered and enjoined, to appoint one or more suitable Person or Persons as his Deputy or Deputies in all such Places of this Province, where it is likely that Wine, Rum, or other distilled Spirits will be brought out of other Governments into this: Which Officers shall have power to seize the same, unless the Owner shall make it appear that the Duty of Impost has been paid therefor,

Commissioner
to appoint De-
puties in Places
where Wines,
Rum, &c.
may be bro't
out of other
Governments.

Duties of Impost and Tunnage of Shipping.

since their being brought into or re-landed in this Government. And such Officer or Officers are impowered also to search in all suspected Places for such Wine, Rum, or other distilled Spirits, brought or re-landed in this Government, where the Duty is not paid as aforesaid, and to seize or secure the same for the Ends and Uses as in this Act is hereafter provided.

Commissioner or Deputy impowered to administer the Oaths, and to search & seize. *And be it further enacted,* That the Commissioner or his Deputies shall have Power to administer the several Oaths aforesaid, and search in all suspected Places for all such Wines, Rum, Liquors, Goods, Wares and Merchandize as are brought into this Province, and landed contrary to the true Intent and Meaning of this Act, and to seize the same for the Uses herein after mentioned.

Tunnage of Shipping.

And be it further enacted, That there shall be paid by the Master of every Ship or other Vessel coming into any Port or Ports of this Province to Trade or Traffick, whereof all the Owners are not belonging to this Province (excepting such Vessels as belong to *Great-Britain*, the Provinces or Colonies of *Pennsylvania*, *West* and *East-Jersey*, *Connecticut*, *New-York*, *New-Hampshire*, *Rhode-Island*, and *Nova-Scotia*) every Voyage such Ship or Vessel doth make one Pound of good Pistol-Powder, for every Ton such Ship or Vessel is in Burthen; saving for that Part which is owned in *Great-Britain*, this Province, or any of the Governments aforesaid, (which are hereby exempted,) to be paid unto the Commissioner or Receiver of the Duties of Impost, and to be employed for the Ends and Uses aforesaid.

Vessels to be measured if suspected.

AND the said Commissioner is hereby impowered to appoint a meet and suitable Person, to repair unto and on board any Ship or Vessel, to take the exact Measure and Tunnage thereof, in case he shall suspect the Register of such Ship or Vessel doth not express and set forth the full Burthen of the same, the Charge thereof to be paid by the Owner or Master of the said Ship or Vessel before she shall be cleared, in case she appear to be of greater Burthen; otherwise to be paid by the Commissioner, out of the Money received by him for Impost, and shall be allowed him accordingly by the Treasurer in his Accompts. And the Naval Officer shall not clear any Vessel, until he be certified also by the Commissioner, that the Duty of Tunnage for the same is paid; or that it is such a Vessel for which none is payable according to this Act.

Drawback for Wine & Rum allowed in case.

And be it further enacted, That when and so often as any Wine, or Rum, imported into this Province, the aforesaid Duty of Impost upon which shall have been paid agreeable to this Act, shall be re-shipped and exported from this Government to any other Part of the World, that then, and in every such Case, the Exporter of such Wines or Rum, shall make Oath at the Time of Shipping, before the Receiver of Impost or his Deputy, that the whole of the Wine or Rum so shipped, has *Bona Fide* had the Duty of Impost aforesaid paid on the same; and shall afterwards produce a Certificate from some Officer of the Customs, that the same has been landed out of this Government, or the Master of the Vessel in which the same shall be exported, shall make Oath before the Commissioner or his Deputy, That the same has been landed and left in some Port, out of the Government; and the Exporter upon producing such Certificate, or upon such Oath of the Master, make Oath, that he verily believes no Part of said Wines or Rum, has been re-landed in this Province, such Exporter shall be allowed a Drawback from the Receiver of Impost as follows, viz.

For every Pipe of Wine, *Four Shillings*.

For

Duties of Impost and Tunnage of Shipping.

435

For every Hoghead of Rum, *Seven Shillings.*

Provided always, That if after the Shipping of such Wines or Rum, to be exported as aforesaid, and giving Security as aforesaid, in order to obtain the Draw-back aforesaid, the Wines or Rum, so shipped to be exported, or any Part thereof, shall be re-landed in this Province, or brought into the same from any other Province or Colony, that then all such Wine or Rum so re-landed or brought again into this Province, shall be forfeited, and may be seized by the Commissioner aforesaid or his Deputy. Proviso,

And be it further enacted, That there be one fit Person and no more, nominated and appointed by this Court as a Commissioner and Receiver of the aforesaid Duties of Impost and Tunnage of Shipping, and for the Inspection, Care and Management of the said Office, and whatever relates thereto, to receive Commission from the Governor or Commander in Chief for the Time being, with Authority to substitute and appoint a Deputy-Receiver in each Port or other Place, besides that in which he resides, and to grant Warrants to such Deputy-Receiver for the said Place; and to collect and receive the Impost and Tunnage of Shipping as aforesaid, that shall become due within such Port; and to render the Account thereof, and to pay in the same to the said Commissioner and Receiver; which said Commissioner and Receiver shall keep fair Books of all Entries and Duties arising by Virtue of this Act; also a particular Account of every Vessel, so that the Duties of Impost and Tunnage arising on said Vessel may appear; and the same to be open at all reasonable Times to the View and Perusal of the Treasurer or Receiver General of this Province, (or any other Person or Persons whom this Court shall appoint) with whom he shall account for all Collections and Payments; and pay all such Monies as shall be in his Hands as the Treasurer or Receiver General shall demand it. And the said Commissioner or Receiver, and his Deputy or Deputies, before their entering into the Execution of their Office aforesaid, shall be sworn to deal truly and faithfully therein; and shall attend in said Office from Ten of the Clock in the Forenoon until One of the Clock in the Afternoon, and from Three of the Clock in the Afternoon to Five of the Clock. And the said Commissioner or Receiver for his Labour, Care and Expences in the said Office, shall have and receive out of the Province Treasury at the Rate of *Sixty Pounds* per Annum: And his Deputy or Deputies shall receive for their Service such Sums as the Commissioner of the Impost, together with the Province-Treasurer shall judge necessary for whatever Sums they shall receive and pay. And the Treasurer is hereby ordered in passing and receiving the said Commissioner's Accounts accordingly to allow the Payment of such Salary or Salaries as aforesaid, to himself and his Deputies. Appointment and Duty of the Commissioner.

And be it further enacted, That all Penalties, Fines and Forfeitures accruing or arising in Consequence of any Breach of this Act, shall be one Half to his Majesty for the Use of this Province, and the other Half to him or them that shall seize, inform and sue for the same, by Action of Debt, Presentment or Indictment of the Grand Jury in any of his Majesty's Courts of Record, wherein no Essoin, Protection or Wager of Law shall be allowed; the whole Charge of the Prosecution to be taken out of the half belonging to the Informer. Disposition of Forfeitures.

And be it further enacted, That from and after the Commencement of this Act in all Causes wherein any Claimant shall appear, and shall not make good the Claim, the Charges of Prosecution shall be borne and paid by the said Claimer, and not by the Informer. Charges of Prosecution how to be paid in case.

C H A P. II.

An Act for Supplying the Treasury with the Sum of *Seventy six Thousand Pounds*, to be thence issued for discharging the public Debts, and drawing the same into the Treasury again.

Preamble.

WHEREAS it is necessary in order to support the Faith and Credit of the Government, that Provision be made by the General Court for discharging the Grants and Allowances that may be made the present Year : Also to enable the Treasurer to redeem the Government Securities that will become due in June, one Thousand seven Hundred and seventy one.

Treasurer im-
powered to
borrow £. 76,
000.

Be it enacted by the Lieutenant-Governor, Council, and House of Representatives, That the Treasurer of the Province be, and he hereby is impowered and directed to borrow from such Person or Persons as shall be willing to lend the same from Time to Time as he shall have occasion for the Money, a Sum not exceeding *Seventy six Thousand Pounds*, in mill'd Dollars at *six Shillings* each, or in the several species of coined Silver and Gold, enumerated in an Act made and passed in the twenty-third Year of his late Majesty King George the Second intituled, "*An Act for ascertaining the Rates at which coined Silver and Gold, English half-pence and Farthings may pass within the Government*", and the Sum so borrowed shall be applied in Manner as in this Act is hereafter directed ; and for the said Sum the Treasurer shall give his Receipt or Obligation payable at the following periods viz, *Twenty six Thousand Pounds* to be paid in, the twentieth of *June*, in the Year one Thousand seven Hundred and seventy two : *Twenty five Thousand Pounds* to be paid on or before the twentieth Day of *June*, in the Year one Thousand seven Hundred and seventy three ; and *Twenty five Thousand Pounds* to be paid in, on or before the twentieth Day of *June*, in the Year one Thousand seven Hundred and seventy four, in the Form following, viz.

Form of the Note.

Province of Massachusetts-Bay.

The *Day of* *A. D.*
Borrowed and Received of *the Sum of* *for the*
Use and Service of the Province of the Massachusetts-Bay, and in
behalf of said Province, I do hereby promise and oblige myself and
Successors in the Office of Treasurer, to repay the said
or his Order, the *Day of* *A. D. One*
Thousand Seven Hundred and Seventy, the aforesaid Sum of
in Spanish mill'd Dollars, at six Shillings each, or in the several
Species of coined Silver and Gold, enumerated in an Act made
and passed in the twenty-third Year of his late Majesty King
George the Second, intituled, "An Act for ascertaining the Rates at
which coined Silver and Gold, English half-Pence and Farthings
may pass within the Government ;" and according to the Rates
therein mentioned with Interest annually at five per Cent.

Witness my Hand

A. B.

C. D.

E. F.

} Committee.

H. G. Treasurer.

And the Treasurer in issuing said Receipts or Obligations, and the Com-

Supply of the Treasury.

437

Committee chosen to countersign them, shall observe and be governed by the Rules and Directions given by an Act of this Province, made in the Second Year of His present Majesty's Reign, intituled, *An Act to Supply the Treasury with the Sum of Twenty-five Thousand Pounds.* Regulation of the Sum, and Manner of issuing the Notes.

And be it further enacted, That the Sum of *Eight Thousand five Hundred Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, when received into the Treasury, shall be issued in the Manner and for the purposes following, That is to say, The Sum of *Fifteen Hundred Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, shall be applied for the payment of the Expences of the Forts and Garrisons within this Province, viz. For *Fort-Pownall* this present Year, and the late Garrison at *Castle William*, from the twenty-first Day of *May*, to the tenth Day of *September* last: And the further Sum of *two Hundred Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, shall be applied for the purchasing Provisions, and the Commissary's disbursements for the several Forts and Garrisons within this Province: And the further Sum of *two Thousand Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, shall be applied for the payment of the Grants made or to be made by this Court: And the further Sum of *two Thousand five Hundred Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, shall be applied for the discharge of Debts owing from this Province, to Persons that have served and shall serve them by order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for that purpose, and for Writing, Printing and Paper for this Court; and such Repairs of the Province House, Court-House and Light-House, as shall be made by order of the General Assembly: And the further Sum of *two Thousand three Hundred Pounds*, part of the aforesaid Sum of *Seventy six Thousand Pounds*, shall be applied for the payment of His Majesty's Council, and the Members of the House of Representatives serving in the Great and General Court, during the several Sessions of the present Year.

And be it further enacted, That the Treasurer pay the aforesaid Sums of *eight Thousand five Hundred Pounds*, out of such Appropriations as shall be directed by Warrant and no other.

Treasurer to pay out of Appropriation directed by Warrant.

And be it further enacted, That the Sum of *Sixty seven Thousand five Hundred Pounds*, being the remainder of the Sum ordered to be borrowed by this Act when received into the Treasury, be applied by the Treasurer for the Redemption of Government Securities that will become due the twentieth Day of *June*, one Thousand seven Hundred and seventy one. And in order to draw said Money into the Treasury again and to enable the Treasurer effectually to discharge the Receipts and Obligations (with the Interest that may be due thereon) by him given in pursuance of this Act:

£. 67,500 for Redemption of Government Securities.

Be it enacted, That there be and hereby is granted, to his most Excellent Majesty, a Tax of *Eighty three Thousand five Hundred and fifty Pounds*, to be levied on Polls and Estates both Real and Personal within this Province in Manner following, that is to say, *Twenty seven Thousand three Hundred Pounds* part thereof, according to such Rules and in such Proportion on the several Towns and Districts, Parishes and other Places within this Province as shall be agreed upon and ordered by the General Court or Assembly at their Session in *May*, one Thousand seven Hundred and seventy one, and to be paid into the

Tax granted of £. 83,550 to be paid on or before 31st March, 1772.

public Treasury on or before the last Day of *March* next after : And the further Sum of *Twenty seven Thousand five Hundred Pounds*, according to such Rules and in such Proportions on the several Towns and Districts, Parishes and other Places aforesaid as shall be agreed on and ordered by the General Court at their Session in *May*, one Thousand seven Hundred and seventy two, and to be paid into the Treasury on or before the last Day of *March* next after : And the further Sum of *Twenty eight Thousand seven Hundred and fifty Pounds* according to such Rules and in such Proportion on the several Towns, Districts, Parishes and other Places aforesaid, as shall be agreed on and ordered by the General Court at their Session in *May* one Thousand seven Hundred and seventy three, and to be paid into the Treasury on or before the last Day of *March* next after.

General Court
to apportion
the Sum in
the Years
1771, 1772,
& 1773, or o-
therwise be
paid as in the
preceeding
Tax Act.

Treasurer im-
powered to is-
sue his War-
rants accord-
ingly.

And be it further enacted, That if the General Court at their Session in *May* one Thousand seven Hundred and seventy one, or at their Session in *May* one Thousand seven Hundred and seventy two, or at their Session in *May* one Thousand seven Hundred and seventy three, and sometime before the twentieth Day of *June* in each Year, shall not agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be in each of said Years assessed and levied, that then and in such Case each Town, District, Parish and other Place within this Province shall pay by a Tax to be levied on the Polls and Estates both Real and Personal within their Limits, the same proportion of the said Sums as the said Towns, Districts, Parishes and other Places were Taxed by the General Court in the Tax Act then last preceeding ; and the Province Treasurer is hereby fully empowered and directed some time in the Month of *June* in each of the Years aforesaid, to issue and send forth his Warrants directed to the Selectmen or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts, for their respective Parts and Proportions of the Sums before directed and engaged to be assessed, to be paid into the Treasury at the aforementioned times, and the Assessors, as also Persons assessed, shall observe, be governed by and subject to all such Rules and Directions as shall have been given in the last preceeding Tax Act.

C H A P. III.

An Act to exempt the People called Quakers and Antipedobaptists from paying Taxes for the Support of Ministers settled by the Laws of this Province, and for the Building and Repairing Meeting-Houses or Places of public Worship where such Ministers officiate.

Preamble.

WHEREAS the Act for exempting Persons commonly called Quakers and Ana-Baptists within this Province from being Taxed for and towards the Support of Ministers, will expire on the Thirtieth Day of January next :

Be it enacted by the Lieutenant Governor, Council, and House of Representatives, That from and after the thirtieth Day of January, One thousand seven hundred and seventy-one, none of the Persons who are either

Quakers, &c. exempted from Ministerial Taxes. 439

either of the Perswasion of the People called Quakers, or of the Perswasion of the People called Antipedobaptists, who alledge a scruple of Conscience as the reason of their Refusal to pay any Part of the Proportion of such Taxes as are from Time to Time assessed for the Support of the Minister or Ministers of any Church settled by the Laws of this Province, shall have their Polls or Estate, Real or Personal, in their own Hands and under their actual Improvement, Taxed towards the Settlement or Support of such Minister or Ministers; nor for Building or repairing any Meeting-House or Place of public Worship. And to the Intent that it may be better known what Persons are of the Perswasion of the People called Quakers who are to be exempted by this Act: *Be it enacted*, That no Person in any Town, District, Precinct, or Parish within this Province shall for the future be esteemed or taken to be of the Perswasion of the People called Quakers, and have his Poll or Polls, or any Estate to him or her belonging exempted by Virtue of this Act from paying a proportionable Part of the Ministerial Taxes and other Taxes in this Act mentioned, that shall be assessed therein at any Time before the twentieth Day of *July* next, but such whose Name is contained in a List or Lists which have been exhibited to the Assessors of such Town, District, Precinct or Parish, or one of them, on or before the twentieth Day of *July* last, and within the Year One thousand seven hundred and seventy; or that shall be assessed therein after the twentieth Day of *July* next, within any Year to come, from and after the first Day of *January* next, but such whose Names shall be contained in a List or Lists which shall be exhibited to the Assessors of such Town, District, Precinct or Parish, or one of them, within the same Year, in which Taxes shall be assessed, on or before the first Day of *September* in that Year, and signed by three or more of the principal Members of that Meeting to which he she or they belong; who shall therein Certify that the Persons whose Names are inserted in the said List or Lists, are really belonging thereto, and that they verily believe them to be conscientiously of their Perswasion, and that they do frequently and usually, when able, attend their Meetings for the Worship of God on the Lord's Day.

And to the Intent that it may be better known what Persons are of the Perswasion of the People who are denominated Antipedobaptists, who are to be exempted from Taxes by this Act:

Be it enacted, That no Person in any Town, District, Precinct or Parish within this Province, shall be so accounted or taken to be an Antipedobaptist, as to have his or her Poll or Polls or any Estate to him or her belonging, exempted by Virtue of this Act, from paying a proportionable Part of the Ministerial Taxes and other Taxes in this Act mentioned, that shall be assessed therein at any Time before the twentieth Day of *July* next, but such whose Name is contained in a List or Lists which have been exhibited to the Assessors of such Town, District, Precinct or Parish, or one of them, on or before the twentieth Day of *July* last, and within the Year One thousand seven hundred and seventy; or that shall be assessed therein after the twentieth Day of *July* next, within any Year to come, from and after the first Day of *January* next, but such whose Names shall be contained in a List or Lists, which shall be exhibited to the Assessors of such Town, District, Precinct or Parish, or one of them, within the same Year in which such Taxes shall be assessed, on or before the first Day of *September* in that Year, and signed by

Quakers and Antipedobaptists, who alledge a scruple of Conscience, exempted from Taxes for building Meeting-Houses or supporting Ministers.

None to be deemed Quakers but such whose Names shall be exhibited to the Assessors in Lists signed by three or more of the principal Members.

List of Baptists also to be certified as above, or by the Minister.

Supplies to Eastern Indians.

three principal Members of the Antipedobaptist Congregation, to which he or she belongs, and the Minister thereof (if any there be) who shall therein Certify that the Persons whose Names are contained in the said List or Lists are really belonging thereto, that they verily believe them to be conscientiously of their Perswasion, and that they do frequently and usually, when able, attend the public Worship of God in such Congregation on the Lord's Day.

Proviso,
Any Towns,
&c. may at a
lawful Meet-
ing exempt
such Quakers
or Baptists.

Provided nevertheless, And be it further enacted, That it shall always hereafter during the continuance of this Act, be in the Power of any Town, District, Precinct or Parish, where any Person or Persons dwell or have any Rateable Estate, who profess themselves to be either Quakers or Antipedobaptists, at any Meeting of such Town, District, Precinct or Parish lawfully assembled by Virtue of any Warrant or Notification, in which a Clause for this Purpose shall be inserted, by the Vote of the major Part of the qualified Voters, other than those who profess themselves to be Quakers or Antipedobaptists, to exempt and excuse from Ministerial Taxes, or Taxes for Building or repairing any Meeting House or Place of public Worship, the Polls and Estates respectively of any Person or Persons Dwelling, or having any Rateable Estate in such Town, District, Precinct or Parish, who profess themselves to be Quakers or Antipedobaptists, altho no such List or Lists as is before mentioned in this Act should be exhibited to the Assessors of such Town, District, Precinct or Parish, or any one of them; and that in every such Case it shall not be lawful for the Assessors of any Town, District, Precinct or Parish to assess any Person or Persons so exempted, to any Ministerial Taxes, or Taxes for Building or repairing any Meeting-House, or Place of public Worship during the Time for which they shall be exempted, any Thing in this Act to the contrary hereof notwithstanding.

No such Qua-
kers or Bap-
tists to Vote
in Matters re-
lating to
building
Meeting-
Houses or
Support of
Ministers.

And be it further enacted, That no Person or Persons shall be allowed to have any Vote in any Matter relating to the Settlement or Support of any Minister, or building or repairing any Meeting-House or Place of public Worship, towards the Settlement or Support of which Minister, or towards the building or repairing of which Meeting-House or Place of public Worship, such Person or Persons shall by Virtue of this Act in any Way be exempted from paying or being Taxed.

This Act to be in Force for the space of three Years from and after the thirtieth Day of *January*, One thousand seven hundred and seventy-one, and from thence to the End of the then next Session of the Great and General Court, and no longer.

C H A P. V.

An Act for reviving and continuing an Act, intituled, "*An Act for allowing necessary Supplies to the Eastern Indians, and for regulating Trade with them, and preventing Abuses therein.*"

Preamble.

WHEREAS the Act intituled, "*An Act for allowing necessary Supplies to the Eastern Indians, and for regulating Trade with them, and preventing Abuses therein,*" made in the Fifth Year of his present Majesty's Reign is expired, and having been found by Experience very Beneficial for regulating the Trade with the said Indians.

Hubbardston Assessors impowered.

441

Be it therefore enacted by the Lieutenant Governor, Council, and House of Representatives, That the Act aforesaid be revived and continued, with all and every Article, Clause, Matter and Thing therein contained, and shall be in Force for the Term of one Year from the twentieth Day of November, One Thousand Seven Hundred and Seventy, and from thence to the End of the then next Session of the General Court and no longer.

Act for regulating the Indian Trade continued one Year.

C H A P. VI.

An Act to enable the Assessors of the District of *Hubbardston* to collect the Taxes granted on the Lands in said *Hubbardston*.

WHEREAS the General Court at their Session in the Year One thousand seven hundred and sixty seven, ordered that a Tax of One Penny per Acre for the Term of one Year be granted upon all the Lands of the Non-resident Proprietors lying in said District, to make and repair Roads : And whereas the Assessors of said District have made the said Tax, and sufficiently published the same, and some Persons who are Owners of said Lands neglect or refuse to pay the same :

Preamble.

Be it enacted by the Lieutenant-Governor, Council, and House of Representatives, That the Assessors of the said District of Hubbardston for the Time being be and are hereby directed and impowered to sell so much and no more of the delinquent Owners or Proprietors Lands as neglect or refuse to pay the said Penny per Acre as is necessary to pay and satisfy the said Tax of One Penny per Acre and other necessary and intervening Charges ; they posting up the same in some public Place in the said District of Hubbardston, and in the Shire Town in the County of Worcester ; and also the said Assessors shall be obliged for the Notification of the said Non-resident Proprietors to advertise in Draper's, Edes and Gill's, and Fleet's News-Papers three several Weeks the intended Sale at least three Months before the said Lands are sold ; and it shall and may be lawful for said Assessors at a Public Vendue to sell and execute absolute Deeds in the Law for the Conveyance of such Lands of the Owners aforesaid to the Person or Persons who shall give most for the same, which Deeds shall be good and valid to all Intents and Purposes in the Law for conveying such Estates to the Grantees, their Heirs and Assigns forever ; reserving nevertheless to the said Non-resident Proprietors their Heirs or Assigns Liberty of Redemption of their Lands so sold, they paying to the Grantees or their Heirs respectively within one Year afterwards the Sums for which said Land were sold, with Charges of Sale and Costs laid out in making Improvements thereon, with the further Sum of Twelve Pounds for each Hundred Pounds of Money produced by said Sale, and proportionably for any other Sum.

Assessors of Hubbardston impowered to sell Lands of delinquent Proprietors after Notice given.

Proviso, for the Redemption of such Lands within one Year after the Sale.

And be it further enacted, That the said Assessors for the said Year shall pay the Money arising by the said Sale to the Treasurer of the said District for the said Year, and the said Treasurer is directed to attend the Orders of the said Assessors for the said Year for the Payment of the Money arising by the Sale of said Lands for the Payment of the said Penny Tax and Charges according to the Intention and Meaning of the said Grant.

Order for disposing of the Purchase-Money.

CHAP.

An Act to enable the Proprietors of the Town of
Westminster to collect certain Taxes.

Preamble.

WHEREAS the General Court at their Session in the Year One thousand seven hundred and sixty-eight, ordered that a Tax of One Penny half-Penny per Acre for one Year be granted upon all the Lands in the Town of *Westminster*: And Whereas the said Proprietors at their legal Meeting on the first Day of June One thousand seven hundred and fifty-seven, granted two Taxes one of Six Shillings, the other of Four Shillings, on each Proprietors Right in said Town to defrey their Debts, also two Taxes of Eight Shillings each, the one granted the fourth Day of May One thousand seven hundred and fifty-eight, the other granted the fifteenth Day of November following; also one other Tax granted in December One thousand seven hundred sixty-seven: And Whereas the Assessors of the said Proprietors of *Westminster* have made said Taxes, and sufficiently published the same, and some Persons who are Owners of the said Lands neglect or refuse to pay the same;

Assessors of
Westminster
impowered to
sell Lands of
delinquent
Proprietors,
after Notice
given.

Be it enacted by the Lieutenant-Governor, Council, and House of Representatives, That the Assessors of the Town of *Westminster* for the Time being be and hereby are impowered and directed to sell so much and no more of the delinquent Owners or Proprietors Lands as neglect or refuse to pay the Taxes aforesaid as shall be sufficient to pay and satisfy said Taxes and other intervening Charges, they posting up the same in some public Place in the Town of *Westminster* aforesaid, and in the Shire-Town in the County of *Worcester*, and also the said Assessors shall be obliged for the Notification of the Non-resident Proprietors of said *Westminster* to advertise in two of the *Boston* News-Papers, viz. *Edes* and *Gill's* and *Draper's*, three Weeks successively, the Time and Place of the intended Sale three Months at least before said Lands are sold; and it shall and may be lawful for said Assessors at a Public Vendue to sell said Lands as aforesaid and to execute absolute Deed or Deeds in the Law for the Conveyance of such Lands of Owners or Proprietors aforesaid, to the Person or Persons who will give most for the same, which Deeds shall be good and valid to all Intents and Purposes in the Law forever; reserving nevertheless to any of the said Proprietors their Heirs or Assigns Liberty of Redemption of their Lands so sold, they paying to the Purchasers of said Lands or their Heirs respectively within one Year afterwards the Sums for which said Lands were sold, with Charges of Sale and Charges laid out in making Improvements thereon, with the further Sum of twelve Pounds for each Hundred Pounds of Money produced by said Sale, and proportionably for any other Sum.

Proviso, for
the Redemption
of such
Lands within
one Year after
the Sale.

Order for dis-
posing of the
Purchase-Mo-
ney.

And be it further enacted, That the said Assessors for the said Year shall pay the Money arising by the said Sale to the Treasurer of the said Proprietors for the said Year, and the Treasurer of said Proprietors is hereby directed to attend the Orders of the Assessors in paying out the Money arising by said Sale for the Purposes for which said Taxes were originally granted.

C H A P. VI.

An Act for regulating the Alewife Fishery in the Town of *Bridgewater*.

BE it enacted by the Lieutenant Governor, Council, and House of Representatives, That it shall and may be lawful for the Town of *Bridgewater*, and they are hereby empowered some Time in the Month of *March* next, and so annually in the Month of *March* during the Continuance of this Act, either by the Selectmen or by a Committee of three or more Persons chosen by the Town for that purpose, to let or farm out the Privilege of taking and disposing of the Fish in said Town, called Alewives, at the several Wares in said Town, *Viz.* at the Ware by the Town-Mills so called; also at the Ware by *Perkin's* Mills, and also at the Ware by *Whitman's* Mills to the highest Bidder; publick Notice being first given by the Selectmen or Committee, of the Time and Place of selling said Privilege.

Selectmen of *Bridgewater* empowered to let out the Fishery at several Wares herein mentioned.

And be it further enacted, That the Person or Persons purchasing said Privilege shall give sufficient Security to the Treasurer of said Town for the Time being, for the payment of such Sum or Sums of Money as said Privilege shall be sold for, to be paid at such Time or Times as the Selectmen or Committee aforesaid shall agree upon, to be improved for the Use and Benefit of said Town.

Purchaser to give Security.

And be it further enacted, That the said Purchaser or Purchasers shall conform him or themselves to such Days and Places for taking said Fish, as shall be appointed by the Committee or Selectmen aforesaid, and at no other Time or Place, under the same Penalty or Forfeiture as the Law inflicts on Persons presuming to fish on Days prohibited.

and to conform to Days and Places appointed.

And be it further enacted, That the said Purchaser or Purchasers, shall not ask or receive of any Person applying to him or them to buy said Fish more than *One Shilling* per Hundred; and so in proportion for a greater or less Number, nor refuse or deny to supply any Person or Persons with Fish, when it is in their Power to supply them, (they being ready to pay for the same) under the Penalty or Forfeiture of *Twenty Shillings* for each Offence, to be sued for and recovered by Action of Debt, before any one of his Majesty's Justices of the Peace for the County of *Plymouth*, one Moiety thereof to him that shall sue for the same, and the other Moiety to and for the Use of the Poor of said Town.

and to the Price herein limited.

And be it further enacted, That if any Person or Persons other than the said Purchaser or Purchasers, or those employed by them, shall presume to take said Fish, even on those Days prefixed for the Purchasers to take them, shall be liable to pay the same Fine as is inflicted by Law on those who shall presume to take said Fish at any other Time or Place not appointed as aforesaid.

No other Person to take said Fish.

This Act to continue and be in Force for the Space of Three Years Continuance from the last Day of *November*, One Thousand Seven Hundred and Seventy and no longer.

of the Act.

C H A P. VII.

An Act for Impowering the Commissioners and Assignees of the Estates of concealed and absconding Debtors, and all others concerned, to compleat the Business assigned them, by an Act made and passed in the thirty first Year of the Reign of His late Majesty King George the Second, intitled, "*An Act providing remedy for Bankrupts and their Creditors.*"

Preamble.

WHEREAS an Act of this Province was made in the thirty first Year of the Reign of His late Majesty King George the Second intitled, An Act providing remedy for Bankrupts and their Creditors: And whereas within the Time that the said Act was in force, sundry concealed and absconding Debtors by virtue thereof had their Goods, Chattles and Estates attached and seized and committed into the hands of Commissioners to be by them disposed of according to the direction of the said Act, and who having by the said Commissioners been declared Bankrupts had surrendered themselves, and conformed to the directions of the same Act; yet by reason that the same Act was disallowed of by his said late Majesty before the said Commissioners and their Assignees could compleat the Business assigned them thereby, the said Debtors (in such Manner declared Bankrupts and proceeded against) could never take the Benefit of the said Act according to the Provision and Intent thereof.

Commissioners and Assignees of the Estates of Bankrupts impowered to proceed on Business by them begun, in consequence of an Act that hath been disallowed.

Be it therefore enacted, by the Lieutenant-Governor, Council, and House of Representatives, That all Persons whose Goods, Chattles or Estates were taken, attached or seized or committed into the Hands of Commissioners according to said Act, and who were by said Commissioners declared Bankrupts and proceeded against as such, and who could not obtain their discharge or take the Benefit of the said Act for the Reasons aforesaid, shall now be proceeded with according to the direction of the said Act notwithstanding the disallowance of the same as aforesaid; and the said Commissioners and all others are hereby impowered and directed to do and transact all Matters relating to such Debtors and their Estates, as they might have done and transacted while the same Act was in Force, and all such Doings and Transactions shall have the same Force and Effect to all intents and purposes, as they would have had before the Expiration of the said Act, or before the same was disallowed or disapproved of by his said Majesty.

This Act to be in Force for the Term of two Years, from the First Day of December, Anno Domini, One Thousand seven Hundred and Seventy and no longer.

C H A P. VIII.

An Act to prevent the obstructing and destroying of the Fish called Alewives, in their Passage up and down Maddepayset River within the Town of Rochester.

WHEREAS the Town of Rochester have been at great Labour and Expence in digging out a Passage from Sniptuet Pond to the Head of Maddepayset River in said Town, in order to let the Alewives have free Course from the Sea into said Pond to cast their Spawn: And whereas the good Fruit of their Labours and Expence depends on the Regulation and Government of the Stream through which they pass, and there being sundry Mill Dams across said River, and by Reason of many evil minded and disorderly Persons setting up Wares, stopping and obstructing said Alewives, the expectation and benefit of their Labours have almost been defeated:

For Remedy whereof,

Be it enacted by the Lieutenant Governor, Council, and House of Representatives, That the Owner or Occupants of all such Dams as are or hereafter shall be erected upon said River or Stream between said Pond and the Sea, shall make and keep open a proper Passage through the same for said Alewives, from the Tenth Day of April to the last Day of May annually, on Pain that every Person offending in this particular shall forfeit and pay the Sum of Ten Pounds.

Preamble.
Passage for Alewives to be kept open from 10th April to last of May.
on Penalty of £. 10.

And be it further enacted, That whosoever shall draw any Seine, make any Ware, Hedge or Dam across said River; or shall presume with Scoop or Dip Net to take such Fish, or any other way hinder, stop or obstruct in their Passage to or from said Pond, or be aiding and assisting therein (except in the Manner hereafter provided) shall forfeit and pay for each and every Offence he shall so commit, the Sum of Twelve Shillings.

Penalty of 12 Shillings for drawing Seines, making Wares, &c.

And be it further enacted, That it shall be in the Power of said Town at their annual Meeting in March, to choose one or more Persons, whose Business it shall be, and who are hereby impowered to appoint proper Times and Places in said River or Stream for taking said Fish, who shall give Notice thereof in Writing, under their Hands, posted up at one or more the most public Places in said Town, at least Ten Days before the taking said Fish, and thereupon the Inhabitants of said Town only, shall have full liberty to take said Fish, agreeable to the Rules and Direction posted up in such Writing as aforesaid.

Ten Days Notice to be given for taking said Fish.

And be it further enacted, That every Person breaking down, filling up, or otherways damnifying the Flooms, Sluices, Ditches and other Works, that are or shall hereafter be erected and done for the Growth and Increase of said Fish, shall forfeit and pay the Sum of Forty Shillings. Provided nevertheless, That all Persons owning or possessing Lands, or that shall hereafter own or possess Land upon the said River, shall have full Power to build and erect all such Mill Dams and other Works, as they shall see fit, always observing the Rules and Restrictions in this Act aforementioned.

40 Shillings Penalty for breaking down Flooms, &c.

Provido.

And be it further enacted, That all Fines and Forfeitures arising by

Fines & Forfeitures how to be recovered, and for what use.

this Act may be had and recovered in Manner and Form as by a Law of this Province made in the Twelfth Year of the Reign of GEORGE the first, intituled, "An Act in addition to and for rendering more effectual an Act made in the Tenth Year of the Reign of King WILLIAM the Third, intituled, "an Act for preventing of Trespasses." And that the several Fines and Penalties arising by Virtue of this Act shall be sued for and recovered in any Court proper to try the same, by any Person that shall prosecute and sue therefor, one half of such Sum to be to and for the Use of the Prosecutor; and the other Half to be to and for the Use of the Poor of the Town where the Offence shall be committed.

Continuance of the Act.

This Act to continue and be in Force for the space of three Years from the last Day of November, 1770, and no longer.

C H A P. IX.

An Act for reviving and continuing An Act intituled, "*An Act for establishing and regulating the Fees of the several Officers within this Province hereafter mentioned.*"

Preamble.

WHEREAS the Act intituled, "*An Act for establishing and regulating the Fees of the several Officers within this Province, hereafter mentioned made in the Fifth Year of his present Majesty's Reign is expired, and having been found useful and beneficial.*"

Act for establishing Fees continued for one Year.

Be it therefore enacted by the Lieutenant Governor, Council, and House of Representatives, That the Act aforesaid be revived and continued, with all and every Article, Clause, Matter and Thing therein contained, and shall be in Force for the Term of one Year, from the Twentieth Day of November, one Thousand seven Hundred and seventy, and from thence to the End of the then next Session of the General Court and no longer.

C H A P. X.

An Act for reviving and continuing fundry Laws that are expired and near expiring.

Preamble.

WHEREAS the several Acts herein after mentioned which are now expired, or near expiring have been found useful and beneficial, viz. One Act made in the Tenth Year of the Reign of

Acts revived and continued, viz.

Act for securing Town & Precinct Rates

Act to prevent Coparceners making waste.

Act for Relief of Idiots.

Act for regulating Fences.

His late Majesty King George the Second intituled, an Act for securing the seasonable payment of Town and Precinct Rates or Assessments: Two Acts made in the Tenth and Eleventh Years of the same Reign, one intituled, an Act in further addition to an Act made in the First Year, of His present Majesty's Reign, intituled, an Act to prevent Coparceners, joint Tenants and Tenants in common from committing strip and waste, upon Lands by them held in common and undivided: the other intituled An Act in further addition to an Act intituled, an Act for the relief of Idiots and distracted Persons: One Act made in the Fourteenth Year of the same Reign, intituled, an Act in further addition to an Act for regulating

gulating of Fences, &c. Two Acts made in the sixteenth Year of the same Reign; one intituled, An Act to prevent the spreading of the Small Pox and other infectious Sickness, and to prevent the concealing the same; the other intituled An Act in further addition to, and explanation of an Act, intituled, An Act for regulating Townships choice of Town Officers, &c. One Act made in the eighteenth Year of the same Reign, intituled, an Act to prevent Mischief being done by unruly Dogs: Two Acts made in the Eighteenth and Nineteenth Years of the same Reign; one intituled, An Act to prevent unnecessary Cost being allowed to Parties and Witnesses in the several Courts of Justice within this Province; the other intituled, an Act in addition to the Act, intituled An Act for appointing Commissioners of Sewers. Four Acts made in the Twentieth Year of the same Reign; one intituled, an Act relating to views by a Jury in Civil Actions; another intituled, an Act more effectually to prevent prophane Cursing and Swearing; another intituled, an Act for the better Regulating Swine; the other intituled An Act to prevent the destruction of the Meadow called Sandy Neck Meadow, in *Barnstable*, and for the better preservation of the Harbour there. One Act made in the Twenty third Year of the same Reign, intituled, An Act to prevent Stage Plays and other Theatrical Entertainments. One Act made in the Twenty-fourth Year of the same Reign, intituled an Act in addition to the Act for better regulating Swine. One Act made in the Twenty-sixth Year of the same Reign, intituled, an Act to prevent Firing the Woods. One Act made in the Thirtieth Year of the same Reign, intituled, An Act to prevent damage being done on the Meadows and Beaches lying in the Township of *Barnstable* on the South side of the Harbour contiguous to the Common fields in said Town. One Act made in the Thirty first Year of the same Reign, intituled, an Act in addition to an Act, intituled an Act in addition to the Act for providing of Pounds, &c. Two Acts made in the Thirty-third Year of the same Reign, one intituled, An Act relating to Ferries; the other intituled, an Act for the better regulating the choice of Petit Jurors. One Act made in the Fifth Year of His present Majesty's Reign, intituled, an Act for the preservation and increase of Moose and Deer on Tarpolin-cove Island and Nennemesset Island, lying and being in the County of Dukes County.

Act to prevent Small-Pox.
Act for regulating Townships.
Act for preventing mischief by Dogs.
Act to prevent unnecessary Costs.
Act for appointing Commissioners of sewers.
Act relating to Views by Juries.
Act to prevent Cursing & Swearing.
Act for regulating Swine.
Act for securing Sandy Neck Meadow.
Act to prevent Stage-Plays.
Act for regulating Swine.
Act to prevent firing the Woods.
Act for securing Barnstable Beaches.
Act for providing Pounds.
Act relating to Ferries.
Act regulating Choice of Petit Jurors.
Act for preservation of Moose and Deer.

Be it therefore enacted by the Lieutenant Governor, Council and House of Representatives, That such of the before-mentioned Acts as are expired be revived, and such of said Acts as are not yet expired, be continued, with all and every Clause, Matter, and Thing, therein respectively contained and shall be in Force, until the First Day of November, One thousand seven hundred and seventy five, and from thence to the end of the then next Session of the General Court and no longer.

Continued to 1st Nov. 1775

C H A P. XI.

An Act for reviving and continuing sundry Laws that are expired, and near expiring.

WHEREAS the several Acts herein after mentioned, which are now expired or near expiring have been found useful and beneficial, Viz. Three Acts made in the Fifteenth Year of the Reign of

Preamble to Acts continued, viz.

Act to encourage
Increase of Sheep
and Goats.

Act to prevent Pe-
titions to the Ge-
neral Court.

Act for regulating
Porters.

Act relating to the
Poor.

Act regulating
Bridges.

Act to prevent Cat-
tle, &c. feeding on
Truro Beaches.

Act for preservation
of Wild Fowl.

Act to prevent De-
ceit in Gage of Cask.

Act for Ease of
Prisoners

Act for Partition of
Lands.

Act to prevent Fire.

Act to prevent Da-
mage on Biddeford
Beach.

Act to prevent dis-
turbance by
Coaches, &c.

Act for regulating
Hospital.

Act for punishing
Authors of Incen-
diary Letters.

Act to prevent ob-
structing of Fish in
Braintree.

Act against counter-
feiting Coin.

Act against exces-
sive Usury.

Act for encouraging
Increase of Sheep
and Goats.

Act for preserving
Fish in Middleboro'

Act for regulating
Courts of Probate.

Act for more easy
Partition of Lands.

Act to prevent Riots,
&c.

Act to prevent
Horses going at
large.

Act regulating
general Fields.

Act to prevent feed-
ing on the Beaches
in Truro.

of his late Majesty King *George* the Second: One intituled, An Act to Encourage the Increase of Sheep and Goats: Another Act intituled, An Act to prevent unnecessary Petitions to the Great and General Court; the other intituled, An Act for the better regulating Porters employed within the Town of *Boston*: An Act made in the Sixteenth Year of the same Reign, intituled, An Act in addition to the several Laws of this Province relating to the Support of Poor and Indigent Persons: An Act made in the Seventeenth Year of the same Reign, intituled, An Act to regulate the Expence of private Bridges: An Act made in the Eighteenth Year of the same Reign, intituled, An Act to prevent neat Cattle and Horses running at large, and feeding on Beaches adjoining to Eastern Harbour Meadows in the Town of *Truro*: Two Acts made in the Twenty-first Year of the same Reign; one intituled, An Act to prevent the Destruction of wild Fowl; the other intituled, An Act to prevent Deceit in the Gage of Cask: Four Acts made in the Twenty-second Year of the same Reign; one intituled, An Act for the Ease of Prisoners for Debt; another intituled, An Act for the more easy Partition of Lands; another intituled, An Act to prevent Damage being done by Fire in the Towns of *Boston* and *Charlestown*; the other intituled, An Act to prevent Damage being done on the Beach in *Biddeford*, and Meadow adjoining to said Beach, commonly known by the Name of Winter Harbour Beach: Eight Acts made in the Twenty-third Year of the same Reign; one intituled, An Act to prevent the Disturbance given the General Court by the passing of Coaches, Chaises, Carts, Trucks and other Carriages by the Province Court House; another Act intituled, An Act for regulating the Hospital on Rainsford Island, and further providing in Case of Sickness; another Act intituled, An Act for the punishing such Offenders as shall be any Ways concerned in contriving, Writing or sending any incendiary Letters, in order to extort Sums of Money, or other Things of Value, from any of His Majesty's good Subjects; another Act intituled, An Act to prevent any Person obstructing the Fish in their passing up into Monaticquot River, within the Town of *Braintree*; another Act intituled, An Act against diminishing or counterfeiting Money: another Act intituled, An Act in addition to and for rendering more effectual, an Act for the restraining the taking excessive Usury: another Act intituled, An Act in addition to the Act intituled, An Act to encourage the increase of Sheep and Goats; the other intituled, An Act to prevent the unnecessary destruction of Alewives in the Town of *Middleborough*: Four Acts made in Twenty-sixth Year of the same Reign, one intituled, An Act for further regulating the Courts of Probate within this Province: another Act intituled, An Act for the more easy Partition of Lands or other Real Estates given by Will, and held in common and undivided among the Devisees; another Act intituled, An Act for further preventing all riotous, tumultuous and disorderly Assemblies, or Companies of Persons, and for preventing Bonfires in any of the Streets and Lanes within any Towns of this Province: the other intituled, An Act for preventing damage by Horses going at large; Two Acts made in the Twenty-seventh Year of the same Reign, one intituled, An Act in addition to the several Laws of this Government made for the regulating general Fields: the other intituled, An Act to prevent neat Cattle and Horses running at large, and feeding on the Beaches and Meadows below the Banks in the Town of *Truro*, from the House of *Joshua Atkins*, to Bound Brook, and also on the common Meadow at and about Pamit Harbour and River, as far up as the wading Place by

John

John Lumbarts : one Act made in the Twenty-ninth Year of the same Reign, intituled, An Act in addition to the several Laws of this Province now in Force, respecting poor and idle, disorderly and vagrant Persons: one Act made in the Thirty-first Year of the same Reign, intituled, An Act to prevent neat Cattle, Horses and Sheep, running at large, and feeding on the Beaches between *Wells* and *Ogunquit* Harbours in the Town of *Wells*, and to prevent the mowing the same: Three Acts made in the Thirty-second Year of the said Reign; one intituled, An Act providing that the solemn Affirmation of the People called Quakers, shall in certain Cases be accepted instead of an Oath in the usual Form: another Act intituled, An Act in addition to an Act relating to Executors and Administrators; the other Act intituled, An Act in addition to an Act for Explanation of, and Supplement to an Act referring to the Poor: An Act made in the Thirty-third Year of said Reign, intituled, An Act for the more easy Division and Distribution of Intestate Estates: Four Acts made in the First Year of His present Majesty's Reign; one Act intituled, An Act to prevent Damage being done on the Meadows and Beaches lying in, and adjoining on, the North side of the Town of *Harwich*, between *Skekit* Harbour on the East, and *Quivet* Harbour on the West: another Act intituled, an Act in addition to an Act, intituled, an Act to prevent Damage being done on the Meadows and Beaches lying in and adjoining to the North Side of the Town of *Harwich*, between *Skekit* Harbour on the East, and *Quivet* Harbour on the West: another Act intituled, an Act for establishing a Watch for the safety and better securing the good Order of the Town of *Boston*: the other intituled, an Act further empowering the Courts of General Sessions of the Peace in this Province to grant Licences in certain Cases; and thereby to prevent unnecessary Petitions to the General Court: Two Acts made in the Second Year of the said Reign; one Act intituled, an Act providing for the levying and collecting of Taxes in Plantations, that are not incorporated; the other Act intituled, an Act in addition to the several Acts made to prevent damage by Fire in the Town of *Boston*: Three Acts made in the Third Year of said Reign; one Act intituled, An Act declaring and regulating the Standard of Wheat imported into this Province, and for preventing Abuses by Millers: another Act intituled, An Act to exempt the People called Quakers from the Penalty of the Law for Non-attendance on Military Musters; the other intituled, An Act for Incorporating the Indians and Molattoes, Inhabitants of *Mashpee*, with their Lands there, into a District with certain Privileges, and for their better Regulation: An Act made in the Fourth Year of said Reign, intituled, An Act to enable the Collectors of Taxes in the Town of *Boston* to sue for, and recover the Rates and Taxes given them to collect in certain Cases: five Acts made in the Fifth Year of the said Reign; one Act intituled, An Act to prevent the Destruction of Salmon and other Fish in *Merrimack* River within this Province: another Act intituled, An Act to prevent the Destruction of Oysters in the several Bays and Rivers hereafter mentioned within this Province: another Act intituled, An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province: another Act intituled, An Act for the Preservation of the Beach and Harbour in the Town of *Plymouth*: the other intituled, An Act to prevent damage being done in the Woods in *Plymouth*, *Sandwich*, *Barnstable*, *Falmouth* and *Wareham*, by hunting with Hounds and Dogs: An Act made in the Sixth Year of said Reign

Act respecting Poor Persons &c.

Act to prevent neat Cattle &c. running at large.

Act respecting Quakers Oaths.

Act relating to Administrators, &c. Act referring to the Poor.

Act respecting Intestate Estates.

Act to prevent damage on Harwich Beach, &c.

Act to prevent damage on Harwich Beach, &c.

Act establishing a Watch in Boston.

Act for granting Licences, &c.

Act for collecting Taxes.

Act to prevent Fire in Boston.

Act for regulating the Standard of Wheat.

Act to exempt Quakers from Military Duty.

Act for incorporating of Mashpee Indians, &c.

Act respecting the Collector of Taxes in Boston.

Act to prevent destruction of Fish in Merrimack River.

Act to prevent the destruction of Oysters

Act to prevent the destruction of Alewives & other Fish.

Act for preservation of Plymouth Beach.

Act to prevent Damage to the Woods in Plymouth, &c.

Act to prevent destruction of Fish in Merrimack River.

Act respecting Poor.

Act to prevent Damage to the Meadows, &c. in Tisbury & Chilmark.

Act to prevent destruction of Fish in Merrimack River.

Act to prevent Fraud in Pot-Ash.

Act for Settlement of Schools and School-masters.

Act to prevent Damage to the Meadows &c. in Tisbury and Chilmark.

Act to prevent Damage to Bound Brook Island, &c.

Act to prevent Persons obstructing the Fish in their passage up Monaticquot River.

Continuation of the Acts.

Reign, intituled, An Act for amending of an Act made in the Fifth Year of His present Majesty's Reign, intituled, An Act to prevent the Destruction of Salmon and other Fish in *Merrimack* River within this Province: Four Acts made in the Seventh Year of said Reign; one Act intituled, An Act in addition to the several Laws already made relating to the Removal of poor Persons out of the Towns whereof they are not Inhabitants: another Act intituled, an Act to prevent damage being done on the Meadows and Beaches lying in, and adjoining on the South side of the Towns of *Tisbury* and *Chilmark* in the County of Dukes County, between the Land of *Matthew Mayhew*, Esq; on the West, and the Creek of Water that divides the Land of *Thomas Waldron*, from the Beach on the East: another Act intituled, an Act in addition to two several Acts to prevent the Destruction of Salmon and other Fish in *Merrimack* River within this Province: the other intituled, An Act to prevent Frauds by the Adulteration of Pot Ash and Pearl Ash: Three Acts made in the Eighth Year of the said Reign; one intituled, an Act in further addition to the several Acts for the Settlement of Schools and School-masters: another intituled, an Act to prevent the Destruction of the Salt Meadows lying in the Towns of *Tisbury* and *Chilmark*: the other intituled, an Act to prevent Damage being done on Bound Brook Island and Griffith Islands within the District of *Wellfleet*, by Cattle, Horse-kind and Sheep: an Act made in the Tenth Year of said Reign, intituled, an Act in addition to an Act made in the Twenty-third Year of King *George* the Second intituled, an Act to prevent any Persons obstructing the Fish in their passing up into Monaticquot River, within the Town of *Braintree*.

Be it therefore enacted by the Lieutenant Governor, Council and House of Representatives, That such of the before mentioned Acts as are expired be revived; and such of said Act as are not yet expired be continued, with all and every Clause, Matter and Thing therein respectively contained, and shall be in Force until the first Day of November, Seventeen hundred and seventy five, and from thence to the end of the then next Session of the General Court, and no longer.

The Eleven foregoing Acts were Published
November 20, 1770.

21 JY 60

B O S T O N,
Printed by *Richard Draper*, and *Green and Russell*,
Printers to the Government.

